

### **REMARKS**

This is a full and timely response to the outstanding Office Action mailed February 4, 2005. Upon entry of the amendments in this response, claims 46 - 95 remain pending. In particular, Applicant has amended claims 71, 77, 80, 81, 88 and 89, and has added new claims 92 - 95. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

### **Restriction Requirement**

The Office Action indicates that restriction to one of the following inventions is required under 35 U.S.C. §121:

I. Claim 1, drawn to a method of manufacturing a high Fmax deep submicron MOSFET; and

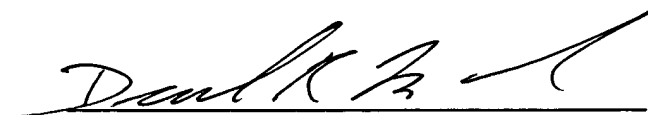
II. Claims 46 – 91, drawn to a high Fmax deep submicron MOSFET.

In this regard, Applicant elects prosecution of claims 46 - 91, without traverse. However, it appears that the aforementioned restriction requirement has been lodged in error. Specifically, the Preliminary Amendment filed on July 21, 2003 canceled claims 1 – 45. Therefore, Applicant respectfully asserts that claim 1 is not pending in the application.

Should the Examiner have any questions regarding this response, the Examiner is invited to telephone the undersigned attorney at (770) 933-9500.

No fee is believed to be due in connection with this amendment and response to Office Action. If, however, any fee is believed to be due, you are hereby authorized to charge any such fee to deposit account No. 20-0778.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Daniel R. McClure", written over a horizontal line.

**Daniel R. McClure, Reg. No. 38,962**

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